

June 28, 2016

The regular meeting of the City Council of the City of Fairmont was held at 7:00 p.m. on the 28th day of June, 2016, at the Public Safety Building located at 500 Quincy Street in Fairmont, West Virginia.

Mayor Straight called the meeting to order.

Councilmembers present were:

First District	Marianne Moran
Second District	Frank G. Yann
Third District	Robert (Rob) Linger
Fourth District	William H. (Bill) Burdick
Fifth District	Fran Warner
Sixth District	Daniel K. (Dan) Weber
Seventh District	Philip R. (Phil) Mason
Eighth District	Thomas (Tom) Mainella
Ninth District	Ronald J. (Ron) Straight, Sr.

Also present were:

City Manager	Robin I. Gomez
City Clerk	Janet L. Keller
City Attorney	Kevin Sansalone
Fire Chief	Ed Simmons
Building Inspector	Ken Fletcher
Program Manager	Martha Richards

IN RE: OPENING CEREMONIES

Deacon David Lester of St. Peter's Catholic Church gave the invocation followed by the Pledge of Allegiance to the Flag led by Councilmember Linger.

IN RE: BOY SCOUTS INTRODUCED

The Mayor introduced two boy scouts that were in attendance. He noted that they were from Troop 16 at H & H Chapel Church and were working on their Citizenship Badge.

APPROVAL OF MINUTES

Mayor Straight noted that each member of Council had received a copy of

the minutes from the Regular Meeting held on June 14, 2016.

Councilmember Moran moved to approve the minutes as submitted. The motion was seconded by Councilmember Yann.

The Mayor declared the minutes approved as submitted by voice vote of Council.

PUBLIC HEARINGS

IN RE: AN ORDINANCE OF THE COUNCIL FOR THE CITY OF FAIRMONT PROVIDING FOR THE REZONING OF THAT CERTAIN TRACT OF REAL ESTATE SITUATE IN THE CITY OF FAIRMONT, IN FAIRMONT DISTRICT, MARION COUNTY, WEST VIRGINIA, SITUATE ALONG CHAMBERLAIN AVENUE BETWEEN 8TH AND 9TH STREETS, AND COMPRISED OF PARCEL 145, 145.1, 146, 147, 148, 149, 149.1, 150, 151, 152, AND 152.1 OF MARION COUNTY TAX MAP 03-05, SAID REAL ESTATE BEING REZONED FROM "NEIGHBORHOOD MIXED USE" TO "MAIN CORRIDOR COMMERCIAL" AND PROVIDING FOR AN AMENDMENT TO THE ZONING MAP OF THE CITY OF FAIRMONT.

Pursuant to a notice duly published in the Times-West Virginian on June 20, 2016, a public hearing was convened to obtain citizen input on a proposed ordinance providing for the rezoning of parcels along Chamberlain Avenue Between 8th Street and 9th Streets.

The Mayor asked if anyone present desired to speak to the proposed ordinance.

There being no one to speak, the public hearing was called to a close at 7:07 p.m.

IN RE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT, AMENDING AND SUPPLEMENTING ORDINANCE NO. 1594, WHICH ORDINANCE IS CODIFIED AS SECTION 1709.01 OF THE CITY CODE, TO PROVIDE FOR THE ADOPTION OF THE REVISED STANDARDS AND REQUIREMENTS OF THE STATE BUILDING CODE PROMULGATED BY THE WEST VIRGINIA STATE FIRE COMMISSION AND ESTABLISHED BY LEGISLATIVE RULE, TITLE 87, SERIES 4, FILED MAY 3, 2016, AND TO BE EFFECTIVE AUGUST 1, 2016

Pursuant to a notice duly published in the Times-West Virginian on June 20, 2016, a public hearing was convened to obtain citizen input on a proposed ordinance providing for the adoption of the 2015 State Building Codes to be

effective August 1, 2016.

The Mayor asked if anyone present desired to speak to the proposed ordinance.

There being no one to speak, the public hearing was called to a close at 7:08 p.m.

IN RE: AN ORDINANCE AMENDING AND SUPPLEMENTING THAT PORTION OF CITY ORDINANCE NO. 1595, WHICH IS CODIFIED AS PART 17 BUILDING AND HOUSING CODE, ARTICLE 1709 WEST VIRGINIA STATE BUILDING CODE, OF THE CITY CODE, AND PARTICULARLY, SECTION 1709.02 SCHEDULE FOR PERMIT FEES AND PENALTIES AND SECTION 1709.03 DISCRETIONARY PROVISIONS THEREOF, TO PROVIDE FOR THE REVISIONS TO THE STANDARDS AND REQUIREMENTS OF THE STATE BUILDING CODE PROMULGATED BY THE WEST VIRGINIA STATE FIRE COMMISSION AND ESTABLISHED BY LEGISLATIVE RULE, TITLE 87, SERIES 4, FILED MAY 3, 2016, AND TO BE EFFECTIVE AUGUST 1, 2016.

Pursuant to a notice duly published in the Times-West Virginian on June 20, 2016, a public hearing was convened to obtain citizen input on a proposed ordinance providing for the schedule for permit fees and discretionary provisions of the State Fire Commission to be effective August 1, 2016.

The Mayor asked if anyone present desired to speak to the proposed ordinance.

There being no one else to speak, the public hearing was called to a close at 7:09 p.m.

ANNOUNCEMENTS

IN RE: FIRE DEPARTMENT COMMENDED

Councilmember Warner commended the Fairmont Fire Department for assisting the residents even after the fire was put out on Columbia Street last week.

IN RE: FATHER'S DAY CELEBRATION

Councilmember Weber commended Rev. D. D. Meighen for the program at Central United Methodist Church on the founding of Father's Day.

IN RE: FLOODING IN SOUTHERN WEST VIRGINIA

Councilmember Mainella spoke about the tragedy that occurred last week in the southern WV counties. He asked to keep those people in our thoughts and prayers.

Councilmember Yann reported that the Boys and Girls Club at East Park School will be collecting items for the flood victims of WV on June 29 and 30 and again on July 5, 6, and 7.

IN RE: AMENDED TO POLICY FOR BOARDS AND COMMISSIONS

Councilmember Mason suggested an amendment to the policy for appointing residents to the Boards and Commissions. He presented each Councilmember with a copy of his amendment.

Mr. Gomez said that he will place an amended resolution on the next Council agenda.

IN RE: FIRST FRIDAY

Councilmember Linger noted that "First Friday" will be held this Friday in downtown. He mentioned that they will have live music and vendors at Veteran's Plaza and encouraged everyone to come to the event.

IN RE: CITY MANAGER COMMENDED

Councilmember Moran commended the City Manager for taking care of an issue with a piece of property in her district.

CITIZENS PETITIONS

IN RE: COMMUNITY GARDEN

DIAMOND BROWN, Norval Street, informed Council of a community garden that will be located at the corner of Wheeling and Chicago Street.

IN RE: BACKPACK PROGRAM

DIAMOND BROWN also addressed Council regarding a Backpack Program in which backpacks will be given out to students on August 13th at Windmill Park.

CITY MANAGER'S REPORT

IN RE: FLOODING IN SOUTHERN WEST VIRGINIA

Mr. Gomez said the flooding in southern WV is truly a terrible experience for those involved. He then thanked everyone that has provided assistance and donations.

CONSIDERATION OF COUNCIL BUSINESS

IN RE: ADOPTION, AN ORDINANCE OF THE COUNCIL FOR THE CITY OF FAIRMONT PROVIDING FOR THE REZONING OF THAT CERTAIN TRACT OF REAL ESTATE SITUATE IN THE CITY OF FAIRMONT, IN FAIRMONT DISTRICT, MARION COUNTY, WEST VIRGINIA, SITUATE ALONG CHAMBERLAIN AVENUE BETWEEN 8TH AND 9TH STREETS, AND COMPRISED OF PARCEL 145, 145.1, 146, 147, 148, 149, 149.1, 150, 151, 152, AND 152.1 OF MARION COUNTY TAX MAP 03-05, SAID REAL ESTATE BEING REZONED FROM "NEIGHBORHOOD MIXED USE" TO "MAIN CORRIDOR COMMERCIAL" AND PROVIDING FOR AN AMENDMENT TO THE ZONING MAP OF THE CITY OF FAIRMONT

Mayor Straight entertained a motion for the adoption of an ordinance providing for the rezoning of parcels along Chamberlain Avenue Between 8th Street and 9th Streets.

Motion:

Councilmember Weber moved for the adoption of the proposed ordinance. Councilmember Mainella seconded the motion.

Roll call was taken by the Clerk.

The Mayor declared the ordinance adopted by unanimous vote of Council and the ordinance designated as Ordinance No. 1693 was duly adopted.

IN RE: ADOPTION, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT, AMENDING AND SUPPLEMENTING ORDINANCE NO. 1594, WHICH ORDINANCE IS CODIFIED AS SECTION 1709.01 OF THE CITY CODE, TO PROVIDE FOR THE ADOPTION OF THE REVISED STANDARDS AND REQUIREMENTS OF THE STATE BUILDING CODE PROMULGATED BY THE WEST VIRGINIA STATE FIRE COMMISSION AND ESTABLISHED BY LEGISLATIVE RULE, TITLE 87, SERIES 4, FILED MAY 3, 2016, AND TO BE EFFECTIVE AUGUST 1, 2016

Mayor Straight entertained a motion for the adoption of an ordinance providing for the adoption of the 2015 State Building Codes.

Motion:

Councilmember Warner moved for the adoption of the proposed ordinance. Councilmember Mainella seconded the motion.

Roll call was taken by the Clerk.

The Mayor declared the ordinance adopted by unanimous vote of Council and the ordinance designated as Ordinance No. 1694 was duly adopted.

IN RE: ADOPTION, AN ORDINANCE AMENDING AND SUPPLEMENTING THAT PORTION OF CITY ORDINANCE NO. 1595, WHICH IS CODIFIED AS PART 17 BUILDING AND HOUSING CODE, ARTICLE 1709 WEST VIRGINIA STATE BUILDING CODE, OF THE CITY CODE, AND PARTICULARLY, SECTION 1709.02 SCHEDULE FOR PERMIT FEES AND PENALTIES AND SECTION 1709.03 DISCRETIONARY PROVISIONS THEREOF, TO PROVIDE FOR THE REVISIONS TO THE STANDARDS AND REQUIREMENTS OF THE STATE BUILDING CODE PROMULGATED BY THE WEST VIRGINIA STATE FIRE COMMISSION AND ESTABLISHED BY LEGISLATIVE RULE, TITLE 87, SERIES 4, FILED MAY 3, 2016, AND TO BE EFFECTIVE AUGUST 1, 2016

Mayor Straight entertained a motion for the adoption of an ordinance providing for the schedule for permit fees and discretionary provisions of the State Fire Commission to be effective August 1, 2016.

Motion:

Councilmember Moran moved for the adoption of the proposed ordinance. Councilmember Mainella seconded the motion.

Roll call was taken by the Clerk.

The Mayor declared the ordinance adopted by unanimous vote of Council and the ordinance designated as Ordinance No. 1695 was duly adopted.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE AMENDING AND SUPPLEMENTING THE PROVISIONS OF PART ONE-ADMINISTRATIVE CODE, CHAPTER SEVEN-BOARDS, COMMISSIONS AND AUTHORITIES, ARTICLE 171 PARKING AUTHORITY, SECTION .08 RATES, THEREOF, TO INCREASE CERTAIN RATES FOR PARKING: AND TO PROVIDE FOR AN EXPANSION OF THE PRE-PAID PARKING PASS PROGRAM FOR ELIGIBLE RESIDENTS

Mayor Straight entertained a motion and a second for the introduction of an ordinance to increase certain rates for parking and to provide for an expansion of the pre-paid parking pass program for eligible residents.

Motion:

Councilmember Moran moved for the introduction of the proposed ordinance and the reading of a synopsis in lieu of the entire ordinance. Councilmember Mainella seconded the motion.

The Clerk read the proposed ordinance by synopsis for the first time.

Discussion:

Councilmember Weber made a counter proposal, to the entire introduction and public hearing on the ordinance, that Council do away all together with the parking fees on the streets of downtown Fairmont.

The Mayor declared the public hearing set for July 12, 2016 by voice vote of Council with Councilmember Linger and Councilmember Weber voting no to set the public hearing.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE PROVIDING FOR AN AMENDMENT TO THE CITY OF FAIRMONT'S 2016-2017 ANNUAL BUDGET: GENERAL FUND

Mayor Straight entertained a motion and a second for the introduction of an ordinance to providing for a General Fund budget revision.

Motion:

Councilmember Linger moved for the introduction of the proposed ordinance and the reading of a synopsis in lieu of the entire ordinance. Councilmember Burdick seconded the motion.

The Clerk read the proposed ordinance by synopsis for the first time.

The Mayor declared the public hearing set for July 12, 2016 by voice vote of Council.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE PROVIDING FOR AN AMENDMENT TO THE CITY OF FAIRMONT'S 2016-2017 ANNUAL BUDGET: COAL SEVERANCE

Mayor Straight entertained a motion and a second for the introduction of an ordinance to providing for a Coal Severance budget revision.

Motion:

Councilmember Warner moved for the introduction of the proposed ordinance and the reading of a synopsis in lieu of the entire ordinance. Councilmember Weber seconded the motion.

The Clerk read the proposed ordinance by synopsis for the first time.

The Mayor declared the public hearing set for July 12, 2016 by voice vote of Council.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT AMENDING AND SUPPLEMENTING THE FAIRMONT CITY CODE, PARTICULARLY PART FIVE GENERAL OFFENSES CODE, ARTICLE 535 PARK AND RECREATIONAL FACILITIES THEREOF, TO PROVIDE FOR A BAN OR PROHIBITION ON THE USE OF ALL TOBACCO PRODUCTS AND ELECTRONIC CIGARETTES ON OR IN PARKS AND RECREATION FACILITIES OWNED BY OR UNDER THE CONTROL OR JURISDICTION OF THE CITY OF FAIRMONT OR THE CITY OF FAIRMONT PARKS COMMISSION; PENALTY

Mayor Straight entertained a motion and a second for the introduction of an ordinance to provide for a ban or prohibition on the use of all tobacco products and electronic cigarettes on or in parks and recreation facilities owned or under the control of the City of Fairmont or the City of Fairmont Parks Commission.

Motion:

Councilmember Weber moved for the introduction of the proposed ordinance and the reading of a synopsis in lieu of the entire ordinance. Councilmember Yann seconded the motion.

The Clerk read the proposed ordinance by synopsis for the first time.

The Mayor declared the public hearing set for July 12, 2016 by voice vote of Council.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT PROVIDING FOR AND AUTHORIZING THE PURCHASE OF THOSE CERTAIN PARCELS OF REAL ESTATE SITUATE IN THE CITY OF FAIRMONT, FAIRMONT DISTRICT, MARION COUNTY, WEST VIRGINIA, TO-WIT:

**5000 SQ FT PENNA AVE
MAP 03-29 PARCEL 0238**

**PCL 2 PENNA AVE
MAP 03-29 PARCEL 0239**

**4000 SQ FT PENNA AVE
MAP 03-29 PARCEL 0240**

**4000 SQ FT PENNA AVE
MAP 03-29 PARCEL 0241**

FROM JOHN CARPENTER; AUTHORIZING THE CITY MANAGER TO EXECUTE AND DELIVER ANY NECESSARY TRANSACTIONAL DOCUMENTS, AND TAKE DELIVERY OF A DEED FOR SAID PROPERTY ON BEHALF OF THE CITY OF FAIRMONT; RATIFICATION

Mayor Straight entertained a motion and a second for the introduction of an ordinance providing for the purchase of certain parcels of real estate on Pennsylvania Avenue.

Motion:

Councilmember Linger moved for the introduction of the proposed ordinance and the reading of a synopsis in lieu of the entire ordinance. Councilmember Burdick seconded the motion.

The Clerk read the proposed ordinance by synopsis for the first time.

Discussion:

Councilmember Mainella asked if the two houses were included in this deal.

Mr. Gomez replied yes. He then presented Council with an image of the property to be demolished.

Councilmember Weber asked for a total cost of the project.

The City Manager replied that we have estimates on the purchase only.

Mr. Sansalone, City Attorney, stated that \$3,919 is only applicable to the Pitrolo Property. He said that the other property is owned by the Trickett Family and that is going to be a separate ordinance and is not actually included in this ordinance. He said that we are just talking about the Pitrolo Market property.

Mr. Gomez said that our estimated demolition cost arrange anywhere from \$80,000 to \$110,000 for all three structures going forward. He noted that there was \$100,000 carry over from the current Fiscal Year 2016 to Fiscal Year 2017 to cover the entire demolition cost for the three structures.

Councilmember Weber then asked for an itemized statement regarding all of those expenditures that we have had in demolition that the City has incurred, not the other owners, only the City, for the last two years.

The Mayor stated that Council was informed about the properties that the City has taken down.

Councilmember Yann then asked for the status of what those properties are now.

Mr. Sansalone said that we have removed five structures, if his memory serves him correctly, for \$25,000 but the actual total cost was around \$50,000 and we recouped half of that back from the Transit Authority and conveyed those properties to them. He went on to say that the Tire Center was a loan and there is a deed of trust recorded against the property and is subject to being paid back and the Cleveland Avenue properties that we demolished early in 2015, one property we own and the other two were just eyesores that everybody wanted to see go and they went. He noted that we have liens recorded against them.

The Mayor declared the public hearing set for July 12, 2016 by voice vote of Council.

ADJOURNMENT

The Mayor entertained a motion for adjournment.

Motion:

Councilmember Linger moved to adjourn the meeting. The motion was seconded by Councilmember Mason.

The Mayor declared the meeting adjourned by voice vote of Council at 8:01 p.m.